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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,541	11/02/2001	Victor Lu	3561-102	6064
20575	7590	07/24/2006	EXAMINER	
MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			SERRAO, RANODHI N	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/053,541

Applicant(s)

LU ET AL.

Examiner

Ranodhi Serrao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see appeal brief, filed 25 May 2006, with respect to claims 1-8 have been fully considered and are persuasive. The rejections under Title 35 U.S.C. of claim 1-8 have been withdrawn.

2. Applicant's arguments, see remarks, filed 25 May 2006, with respect to the rejection(s) of claim(s) 9-12 under Title 35 U.S.C. have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art reference(s). See rejections below.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.

1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

4. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

5. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1-12 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9 of copending Application No. 10/086,036. Although the conflicting claims are not identical, they are not patentably distinct from each other because of their similarities. See chart below.

7. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

<p>1. A method for tracking and reporting traffic activity on a web site comprising the steps of: storing a web page on a first server coupled to a wide area network, said web page having web page code and data mining code including a cookie processing script; uploading the web page to a visitor computer responsive to a request over the wide area network from the visitor computer; and operating the data mining code on the visitor computer to obtain web browsing data; and operating the cookie processing script at the visitor computer on the web browsing data to obtain new cookie values; and storing the new cookie on the visitor computer including the new cookie values.</p> <p>9. A method for analyzing activity on a web page of a web site comprising the steps of: embedding data mining script within a web page; embedding cookie processing script within the web page; sending the web page to a client node; operating the data mining script on the client node; operating the cookie processing script on the client node; and returning data resulting from the operation steps.</p>	<p>1. A method for tracking and reporting traffic activity on a web site, comprising: storing a web page on a first server coupled to a network; requesting the web page from a visitor computer; selecting the visitor computer for inclusion or non-inclusion within a sample group, said sample group being a subset of total traffic to the web site; storing on the visitor computer a selection indicator associating with the inclusion or non-inclusion; and tracking traffic activity to the web site from the visitor computer and/or visitor only if the visitor computer is a member within the sample group, otherwise ignoring the traffic activity from the visitor computer; and further including normalizing the traffic activity from the sample group to obtain normalized data reflecting approximate traffic activity from all visitor computers to the web site.</p> <p>2. The method of claim 1, wherein the web page includes web page code, data mining code, and cookie processing script, the method further including the step of operating the cookie processing script on the visitor computer to generate the selection indicator.</p>
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Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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9. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pogue et al. (6,112,240) and de l'Etraz et al. (6,073,138).

10. As per claim 9, Pogue et al. teaches a method for analyzing activity on a web page of a web site comprising the steps of: embedding cookie processing script within the web page (see Pogue et al., col. 7, lines 29-47: wherein the tracker tag, in Javascript form, serves the function of cookie processing script); sending the web page to a client node (see Pogue et al., col. 3, line 66-col. 4, line 14); operating the cookie processing script on the client node; and returning data resulting from the operation steps (see Pogue et al., col. 7, lines 29-47). But fails to teach a method of embedding data mining script within a web page; operating the data mining script on the client node. However, de l'Etraz et al. teaches a method of embedding data mining script within a web page; operating the data mining script on the client node (see de l'Etraz et al., col. 5, line 64-col. 6, line 6). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Pogue et al. to a method of embedding data mining script within a web page; operating the data mining script on the client node in order to allow proprietary individual contact data to be merged with accurate and up-to-date public information in order to explore the full scope (or sphere) of an individual's or business concern's scope of influence (see de l'Etraz et al., abstract).

11. As per claim 10, Pogue et al. and de l'Etraz et al., teach a method, wherein the step of operating the cookie processing script on the client node includes: reading a cookie value from the client node (see Pogue et al., column 6, line 52-column 7, line 10); tracking events on the client node (see Pogue et al., column 7, lines 29-47);

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processing cookie value based on the tracked events to obtain a new cookie value; and writing a new cookie value to the client node (see Pogue et al., column 7, lines 11-22).

12. As per claim 11, Pogue et al. and de l'Etraz et al. teach a method, wherein the step of returning data includes the steps of: embedding data within an image request associated with a designated URL source; and sending the image request to the URL source (see Pogue et al., col. 7, lines 11-22).

13. As per claim 12, Pogue et al. and de l'Etraz et al. teach a method, further including the steps of: compiling the web browsing data into a web page traffic report; and posting the report for viewing over the wide area network (see Pogue et al., col. 4, lines 30-60).

Conclusion


THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER